The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Yemen (continued) (CRC/C/70/Add.1; CRC/C/Q/YEM/2)

1. At the invitation of the Chairperson, the members of the delegation of Yemen took places at the Committee table.

2. Mrs. SARDENBERG said that she had difficulty in understanding recent developments in the State party because of the way the report was written. The purpose of considering reports was not confrontation but clarification. Yemen was a developing country with a difficult economic situation, but the Convention nonetheless constituted a commitment undertaken by each of its State parties. She commended the work of the Council for Maternal and Child Welfare and called on the Government to pursue efforts to give it visibility; with enough resources, the Council could take the lead in promoting actions to implement the Convention.

3. The situation of the girl child was difficult in many countries, but it sometimes happened that national circumstances compounded the discrimination against girls. If they were orphans, no institutions existed for them; if they were in detention, they were not separated from women; if they lived in rural areas, they were poor and became servants, and then were locked up without any freedom. The fact that there were fewer girls with disabilities than boys very possibly meant that their mortality rates were higher. Girl returnees from the Gulf War had other prejudices to face, while girls from the "akhdam" group were treated in a discriminatory fashion. More support should be given to Yemeni girls, with the help of the international community.

4. The teaching of human rights, and especially the Convention, in the schools was also important, as was the improvement of data-collection methods as a first step towards formulating a global policy for children. She liked the idea of having one comprehensive law covering all the matters pertaining to children. The 1994 census had provided information on children's situation in society, but it was unclear whether the Government had since done any work with those data, such as setting up programme areas and priorities. Had any progress been made in mainstreaming children with disabilities into the school system?

5. The CHAIRPERSON invited the delegation to reply to paragraphs 13 to 28 of the list of issues.

6. Mrs. FAREE AL-FAKIH (Yemen) said that her Government had taken extensive action to combat illiteracy among parents and promote their participation in the educational process. Tangible progress had been made in reducing child mortality rates and substantial resources had been devoted to improving the health of mothers and children through the promotion of immunization, which covered some 50,000 children. Malnutrition and related problems affected elderly people as well as children. In the context of structural adjustment, with the return of workers from abroad there had been a very high level of unemployment, putting many families in a difficult financial situation.

An anti-poverty campaign had been launched to assist the worst-off families, in which the breadwinners had lost all sources of income, and attempts were made to help them find work.

7. No significant progress had been made in respect of adolescent health. Teenage pregnancies were generally rejected by Yemeni society, on religious grounds, but a campaign was under way to make people aware of the problems of pregnant teenagers, whether married or not, and the legal age of marriage had been set at 21 years. There had also been an attempt to achieve some positive impact through educational programmes.

8. There were problems with AIDS and other health issues, and the Government was trying to improve the situation in hospitals and medical centres, targeting those under 18 in particular, and to promote family planning, provide information and organize campaigns against harmful traditional practices. While Yemen was close to the Horn of Africa, where such practices were widespread, they were not common in Yemen itself. Her Government had tried to sensitize people to the subject, but no legal steps were being taken because the problem was not a major one.

9. According to the 1990 census, some 10 per cent of the population was disabled. That represented a major problem for Yemen, especially as it had undergone a serious political crisis three years previously, involving a very large number of child victims. Her Government was currently developing policies to survey the situation of the disabled, implement specific programmes for children with disabilities and promote their integration into the schools. Beyond school age, special efforts were made to encourage employers to hire persons with disabilities.

10. Her Government had never received a copy of the World Bank study on street children, although other studies had been carried out by the United Nations Children's Fund (UNICEF) and a Swedish institute, and she was part of the team working with them; the Government had submitted a draft programme of action to combat the phenomenon. The "akhdam" were very specific to Yemen, and it had not been possible to persuade their children to attend school, as they preferred to live in the street and strongly resisted any attempts to integrate them into the social structure. The problem resembled that of the gypsies in Europe. Begging by children was particularly targeted for elimination.

11. In connection with the high drop-out rates from the school system and the low enrolment of girls in schools, steps were being taken to ensure that girls were able to attend school free of charge, and the Ministry of Education had tried to change school schedules in order to help them since Yemeni society was rural and depended on agriculture for its livelihood. In the Rub' al-Khali region to the east, where many Bedouins lived, an attempt was being made to find nomadic teachers for them. Her Government had also tried to set up associations to support education for girls and was represented on a United Nations Children's Fund (UNICEF) working group on the topic. UNICEF was also supporting the concept of itinerant schools, as well as her Government's efforts to establish such schools.

12. Expenditure on education had increased significantly over the previous two years, from 4 per cent of the national budget to 13 per cent. Attempts were being made to build new hospitals with international support. Action was also being taken to recycle human rights teaching programmes in the Ministry of Education and other government departments, in consultation with the Prime Minister's Office, which had decided that educational reforms should incorporate such concepts as human rights, the rights of the child and women's rights.

13. Child labour was considered part of family labour but there was a law on the employment of children, with a number of provisions banning any form of exploitation of the child. That law also banned the employment of children under 15 years of age, whether or not they were paid, and prescribed penalties for violations. However, it was undoubtedly true that practice was not always in keeping with the law.

14. Mr. ABDULLAH (Yemen) said that his Government was working to provide the necessary care to children deprived of a family, based on the principles and provisions of the Shari'a, which stipulated that a child must be protected and taken care of. The matter was covered by the legislation on civil status. There was, however, no legislation on illegitimate children and foundlings, and attempts were being made to draft laws that would cover those categories. Under article 135, chapter 4, of the Personal Status Act, paternity could not be granted through adoption, and his Government was looking at that provision closely. The documents of illegitimate children and children of unknown parentage living in institutions for social protection did not mention that they were illegitimate or of unknown paternity, so as to respect their dignity and identity later in life.

15. In cases of exploitation or negligence involving children, the Government made sure that physical and psychological care were provided. Children were placed in institutions specialized in their protection; research was ongoing into the reasons for the exploitation and programmes were being devised to deal with it. In accordance with the Penal Code, children were placed in institutions if it was quite clear that, at the time of the commission of an offence, they had been suffering from a mental disorder. Institutions reported on the development of each child as well as on care at all levels and, whenever necessary, children were institutionalized so that they could receive the proper physical and mental care.

16. No research had been undertaken on the sexual exploitation and sexual abuse of children; his Government would welcome the cooperation of international institutions to study the situation with a view to finding remedies. Although it had not participated in the World Congress against Commercial Sexual Exploitation of Children, it would give favourable consideration to any recommendation that would help to combat sexual abuse and exploitation and ensure respect for a child's right to dignity and a decent life.

17. Mr. ABDELMATTAN (Yemen) said that his Government would try to introduce the subject of the protection of the rights of asylum-seeking and refugee children into draft legislation. Children deprived of their liberty were not prevented from maintaining contact with their families. Family members could

visit children in detention institutions on a daily basis, between 8 a.m. and 5 p.m., and could also be present during interrogations. Both the Government and other bodies monitored the conditions in detention institutions.

18. Adequate complaint procedures existed and there were guarantees to ensure the periodic review of placement. Thus article 28 of the Juveniles Act provided that a judge of the Juvenile Court had to visit all detention institutions for minors once every three months.

19. Under article 32 of the Act, the Court, could after reviewing a complaint, order the closure of an institution or a change in the detention system. Under article 14, complaints of any corporal punishment could be filed by the child, his or her guardian or the Attorney-General, and would result in the prosecution and, where appropriate, punishment of the perpetrator.

20. With regard to the detention of a child as a measure of last resort, the law stipulated the manner of the arrest and detention and the possible places of detention. Under article 11 of the Act, a minor could not be interrogated in a police station. Wherever possible, the interrogation had to take place in a minors' institution. Article 12 stipulated that a child could be detained only in a special establishment and must not come into contact with adult prisoners. Children under 10 could not be punished, but were returned to their parents, given vocational training in a special institution or treated in a specialized hospital, never for longer than three years, and with ongoing monitoring by the Court.

21. Mr. ABDULLAH (Yemen) said that assistance from the international organizations was urgently needed, particularly with regard to the social aspects of the Convention. Yemen possessed six detention centres for minors but international technical and other assistance was needed to improve them; international assistance was also needed to streamline the legislation on disability, to publicize the Convention and to expand the integrated plan for the development of the children - which had been devised by local experts - into a global national plan.

22. The International Labour Organization (ILO) had provided assistance on child labour policy and had helped define a child labour strategy. A governmental committee had been set up to monitor its implementation, an area in which international technical assistance was sorely needed. A new project for assistance to mothers and children was to be implemented after an agreement between his Government, the World Bank and UNICEF had been signed.

23. Additional international assistance to address the refugee problem was also urgently required. Despite its own considerable economic hardships, Yemen was the only State in the area to welcome refugees from the Horn of Africa, and, while the Office of the United Nations High Commissioner for Refugees (UNHCR) did provide services, it should modify its procedures for dealing with refugees in Yemen. For example, it should be able to solicit local support from Yemeni entrepreneurs for some activities, thus obviating the need to rely solely on foreign institutions or companies.

24. Attempts were being made to amend the 1995 law on the right to work, particularly as it related to child labour. As an intermediate step, a document had been drafted in order to fill some of the lacunae, particularly with regard to employers who violated the child labour laws. No special provisions had yet been defined for delinquent girls, but construction of establishments for housing them had recently begun in Aden and Sana'a. His Government was also implementing a programme, through its Social Fund, to improve the situation of female prisoners.

25. The problem of beggars posed a serious dilemma which was being addressed under his Government's programme to reduce the alarmingly high poverty rate, which the restructuring programme had probably served to increase. It hoped to benefit from Syria's experience of combined action by the Government and local organizations.

26. Mr. FULCI said he was concerned that four fifths of the existing health centres were non-operational, so that under 30 per cent of the population received medical care in a country in which 70 per cent of the population consisted of mothers and children. While congratulating the Yemeni authorities on the reduction of the diarrhoea mortality rate through increased use of oral rehydration therapy (ORT), he sought clarification of a discrepancy between the second periodic report which stated the objective of increasing ORT use from 30 per cent to 80 per cent, and the UNICEF country report which already put the rate of ORT use at 92 per cent in 1998. He wished to know the outcome of the national seminar on child labour held at Sana'a in 1998 and whether the Government was considering acceding to ILO Convention No. 138 concerning the Minimum Age for Admission to Employment.

27. Mrs. KARP stressed that the Convention covered the rights of every individual child and that it was necessary to guard against not only discrimination in legislation and the articles of the Constitution but also de facto discrimination occasioned by disparities in priority setting and budget allocations between rural and urban areas. Despite Yemen's evident progress over the past 30 years, the high illiteracy rate and the low school enrolment of girls in rural areas showed that the Government must give urgent consideration to the matter of equitable access to education.

28. The delegation's reply to her question concerning changing attitudes had touched on educational measures, especially parental education. What she wished to know, however, was the extent to which community leaders and religious leaders were involved in disseminating the new ideas contained in the Convention. Indeed, how were the Yemeni authorities endeavouring to overcome the obstacles posed by taboo subjects such as reproductive health education, teenage pregnancies and HIV/AIDS?

29. With regard to abuse within the family, including incest, she applauded the Government's call for studies and the more realistic attitude it had developed since the presentation of its initial report when it had virtually denied the existence of such problems. While studies were commendable, more direct action was needed in a society in which only a small percentage of girls attended school. Had Yemen considered making it obligatory to notify

suspected child abuse? In a society where it was virtually impossible to penetrate the family, had it developed the trained manpower to tend victims, especially in cases of incest?

30. Applauding the Government's acknowledgement of the need for international assistance to improve the juvenile justice system, she considered that the death penalty was an appalling institution even in clear-cut cases. She urged the delegation, therefore, to do its utmost to save the life of Muhammad Hussein Ali al-Zandani, who was currently awaiting execution in Yemen. His current age was disputed - the police maintaining that he was 22, the prosecution that he was 19, and his family that he was 17 - but all agreed that he had been under 18 when the crime had been committed.

31. She was concerned that begging was associated with the notion of potential delinquency for which children could be deprived of their liberty, regardless of the circumstances. She urged the Government to use other care structures to address the problem and to cease to stigmatize children for an action that might well be beyond their control. The same was true of the age of criminal liability. Any child under 15 should be dealt with through the welfare system rather than the criminal one. She wondered why it was the prosecutor, rather than the court, that decided how long a child over 12 could be detained.

32. Mrs. MBOI reminded the delegation that, in its concluding observations on Yemen's initial report, the Committee had placed special emphasis on enhancing the role of the family and promoting children's rights, in which connection it had stressed the importance of the status of women. The reporting process, which was intended to highlight the successes achieved and the problems encountered in a State party's implementation of the Committee's recommendations, was a continuous one designed to improve the situation of children and the enjoyment of their rights.

33. With regard to sexual abuse, ill-treatment and domestic violence, the report provided a detailed explanation of the laws and the punishment meted out to offenders. She wished to know, however, what services existed for the psychological recovery and social reintegration of abused children and what remedial treatment was provided for abusers.

34. Yemen had made great strides in basic health and welfare, as shown by the social and health indicators. There was a serious danger, however, that the economic and social problems it was encountering could increase mother and child morbidity and mortality rates. She congratulated the Government on its National Population Strategy and five-year Plan of Action, but would like to know whether a mid-term review had been conducted in 1998 and what implementation problems had been encountered.

35. She noted that, although the adolescent fertility rate had dropped, it was still one of the highest in the region. With the modernization of Yemeni society and its changing attitudes and values, it was more vulnerable to certain problems such as mental disorders, suicide, abortion, STDs and HIV/AIDS, on all of which the report was virtually silent.

36. Mrs. OUEDRAOGO said that the term "illegitimate" used with reference to children born out of wedlock or from other relationships that were not sanctioned by the law, should be replaced by another not having negative connotations which were contrary to the spirit of the Convention. In connection with the question of abortion and miscarriage, she requested fuller information on the reference in the report (para. 11) to the payment of blood money. With regard to the statutory requirement that all mothers should breastfeed their infants or, where that was not possible, should employ a wet nurse, she asked whether prior medical tests were conducted in order to protect infants from the potential transmission of disease.

37. Given the prevailing economic circumstances in Yemen and the fact that 40 per cent of the population lived in poverty, she wished to know to what extent it was possible to pay the benefits provided for in social security regulations. Research had shown that, contrary to the statement in the report (para. 138 (d)), the practice of female circumcision continued in certain parts of the country, perhaps among the immigrant population, and appropriate steps should be taken to eliminate it. It was not clear whether any programmes existed to provide psychological treatment for children who had been traumatized by war.

38. With regard to the educational system, an obvious problem lay in the fact that, although schooling was obligatory between 6 and 15 years of age, 40 per cent of all children either dropped out or never attended. Since children had a right to education, which was essential to ensure their development, research should be carried out to identify the reasons for the low attendance; if children were working when they should be at school, further rights were also being violated.

39. She wished to know whether the project financed by the World Bank had been successful and how pupils participated in decisions that affected them, for instance in discussions with the Ministry of Education. Were the views of children taken into account in the education system in general? How was the right to leisure ensured; were sports facilities available for instance? Did any special provisions exist for children with learning difficulties? Was there a special programme to inform children about such subjects as landmines, environmental issues or sexually-transmitted diseases?

40. Mrs. MOKHUANE said that, while the delegation had stated that national legislation in respect of persons with disabilities was compatible with the Convention; she would like to know what goals had been established in their regard and what strategies had been employed to change attitudes, particularly concerning disabled children. The report revealed that women and girl children were subject to exclusion and, consequently, in the light of the provisions of article 23 of the Convention, there was a need for information concerning the manner in which participation by disabled girls was promoted and monitored, particularly in the case of those with mental disabilities. Given the importance of participation in raising morale and self-esteem, she would like further information on measures to enhance the active participation of women in society and in the home. How was children's participation ensured at school, particularly in the formulation of policy?

41. Mr. RABAH, having reminded the delegation that he had still received no replies to his earlier questions regarding the definition of children, the age of military service, the provision of medical treatment without parental consent, the appearance of children in court to give evidence and birth registration, asked what steps had been taken to monitor and protect the physical and mental health of young adolescents in employment, whether the Government intend to establish a facility for young female offenders, along the lines of those for young male offenders, how young offenders were rehabilitated, whether legal aid was available for minors in court and whether minors who had acted as members of a gang of adults were tried separately. To what extent had the objectives, laid down in paragraph 97 of the report, for the Council for Maternal and Child Welfare been achieved? If disabled children could not be accommodated in specialized establishments, how were they integrated in normal schools?

42. Mrs. KARP said that she failed to understand why, as stated in the report (para. 91 (d)), there was a disparity in the age of protection against sexual abuse, which was 15 years of age in the case of girls and 12 for boys.

The meeting was suspended at 4.45 p.m. and resumed at 5.10 p.m.

43. Mrs. FAREE AL-FAKIH (Yemen) said that, by acceding to the Convention and submitting reports to the Committee, Yemen had signalled the advent of a new era of progress and development. It was unfortunate that several misunderstandings had arisen as a result of inadequacies in the English translation of the second periodic report. She hoped that her delegation's meeting with the Committee would lend new impetus to the implementation of the Convention's extremely important principles, to the extent permitted by national resources. She undertook to forward to the Committee additional information on new developments in the education sector.

44. With respect to child labour, her Government supported the 1998 ILO draft convention regarding the worst forms of child labour. In response to the concerns raised by Mrs. Karp, she said that, despite the difficulties posed by Yemen's mountain and desert terrain, her Government was doing its utmost to offer the standards of health care provided for in the international instruments. Likewise, endeavours were being made to ensure that education, including education for girl children, was available throughout the country, for which purpose distance learning facilities had been introduced in some remote areas. Other health and educational services were offered by travelling teams of doctors, midwives, teachers and nurses, and by travelling hospitals and schools.

45. Her Government was fully committed to implementing the rights embodied in the Convention, in keeping with the country's traditions and culture. The right to freedom of expression embodied in article 13 was being promoted through awareness-raising campaigns in families and literacy campaigns for parents. Where the age of sexual consent was concerned, the prevailing belief of the Yemenis was that sexual activity should be restricted to couples who were legally married. The minimum age of marriage had been raised to 21 years, thereby reducing the number of early marriages and pregnancies.

46. On the subject of paragraph 15 of the list of issues, it was generally agreed that rapists should be punished, but the crime was a rare one in Yemen. It was important for the psychological rehabilitation of a rape victim that the situation should not be dramatized during treatment.

47. AIDS was less common in Yemen than in Africa; it was, in fact, refugees from Ethiopia and other African countries who had brought the disease to Yemen. It was an example of the fact that, when a country moved rapidly from a primitive society to a modern one, many new problems emerged to which solutions had to be found. Her Government was conducting media campaigns to educate the public about the AIDS epidemic.

48. The term "illegitimate" in the report was a mistranslation of the Arabic word. Her Government, which was concerned with the integrity and best interests of the child, had not used the term. The question of abortion was not clearly rendered either. Any person who carried out an abortion was considered to be an accomplice to a murder and was so dealt with under the law.

49. Her Government strongly encouraged breastfeeding. A mother who could not or would not breastfeed her child was urged to find a relative or nurse who could. Studies had shown that the reasons for the high school drop-out rate were mostly economic; children left school to help support their families, especially in the case of an absent father. Other such children were essentially loafers. Efforts had been made to counsel parents and to encourage them to participate in programmes designed to improve the lives of their children; in that regard, Yemen was learning from other societies.

50. Efforts had been made to change attitudes toward children and to promote their participation in social and political life. Neither the Yemeni Constitution nor domestic law contained provisions that ran counter to the provisions of the Convention or caused the social exclusion of children. While it was true that some Arab societies perpetuated traditional views of the role of women, the statistics showed that Yemen was not among them. A university had been named after a woman; there were women judges, doctors and teachers. Women participated in civil life to the extent that they were able; the impossible must not, however, be expected. The report had, perhaps, failed to describe that situation as clearly as might have been desired.

51. A person under the age of 18 who committed a murder could not be sentenced to death, even if he was over 18 at the time of his trial. The sentence was imprisonment for a period of from 3 to 10 years. A child beggar was never punished; it was the person who compelled him to beg who merited punishment. Only persons over the age of 18 could serve in the armed forces. A child under the age of 18 could appear before the court to give evidence concerning an offence committed against him. As to whether boys were protected from rape, the law, which provided seven years' imprisonment for rape, made no distinction between the sexes. Adolescents were tried in the Juvenile Court, and imprisoned in special juvenile institutions.

52. She assured the Committee that her Government would review the report and its translation and would forward its observations to the Committee. It had specifically avoided the use of certain expressions in order to prevent misinterpretations.

53. The CHAIRPERSON invited the members of the Committee to offer any preliminary observations on the second periodic report of Yemen.

54. Mrs. SARDENBERG said that she was pleased to learn that the Government of Yemen believed that its dialogue with the Committee had brought about transformations in society; she hoped that those reforms would lead to de facto implementation of the Convention. If the political will existed, attitudes could indeed be altered. Since Yemen was making a rapid transition from a primitive to a modern society, its problems were complex. She encouraged the Government to seek to achieve a profound understanding of the meaning of the Convention, in the absence of which it would be impossible to teach its principles and provisions to the population.

55. More specifically, she urged the Government to take additional steps to collect and analyse data; to cooperate closely with NGOs and to define clearly the sphere of cooperation; to apply a child rights perspective to health and education; to take steps to empower the family; and to explore innovative approaches to working with communities. More attention must be paid to the development of special measures to protect children against domestic violence, sexual abuse, and corporal punishment. Conditions in juvenile detention institutions and in prisons where children were incarcerated with their mothers must be monitored. Lastly, the Government should establish a set of priorities in its efforts to implement the terms of the Convention.

56. The CHAIRPERSON thanked the delegation for its efforts to describe to the Committee the situation of children in Yemen. She asked the Government to prepare its third periodic report in conformity with the Committee's guidelines and to make use of the Committee's concluding observations in so doing. The concluding observations to the second periodic report were likely to bear a close resemblance to those to the initial report; possibly too little time had elapsed between the reports to allow the Government to act on the Committee's recommendations, and in particular to review and reform legislation.

57. Although the Government had referred to the Higher Council for Maternal and Child Welfare, for instance, there was insufficient information to enable the Committee to assess that body's programmes. In addition, it was difficult to determine whether an adequate portion of the national budget had been allocated for the needs of children. Insufficient attention had been paid to girl children and to the children of minority groups. The matter of the definition of the child begged for attention: the terms majority, maturity, and the age of discretion all needed clarification.

58. Moreover, the general principles embodied in the Convention had not been incorporated into programmes and projects. The matter of civil rights and freedoms demanded scrutiny: it was unclear, for instance, whether a child had the right to association or whether a child was considered to be a citizen.

The right to privacy had not been discussed; sources suggested that that too was an issue that should be explored. Both basic health and welfare and special protection measures needed attention.

59. It was unclear whether a child's right to due process was adequately protected under the juvenile justice system: it would appear that a delay in bringing cases to trial sometimes meant that children were held in custody in violation of their rights. Girls were incarcerated with adults, and therefore insufficiently protected. Furthermore, incest and sexual abuse within the family should be reviewed.

60. The Government of Yemen had conceded that all those concerns needed to be addressed and she was sure that it had the interests of its children at heart and that it would continue to be committed to the betterment of children in society.

61. Mr. ABDULLAH (Yemen) thanked the members of the Committee for their detailed comments and questions and assured them that his Government would seek technical assistance in the preparation of its next report. In addition, it would continue to review its domestic legislation to bring it into full conformity with the provisions of the Convention and to resolve any inconsistencies or contradictions that might exist. It would also continue to work with NGOs in an effort to overcome inequities. Yemen was, however, emerging from centuries of darkness, and must confront economic obstacles that impeded progress. Although his Government would endeavour to overcome those difficulties and to better the lot of its children, it would require the assistance and support of international organizations to do so.

The meeting rose at 5.55 p.m.